

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

Bail Appl..No. 6907 of 2007()

CRIME 176/02 OF KOLLAM WEST POLICE STATION

: PETITIONER/5TH ACCUSED

**SOMARAJAN, LLANJIKKAL HOUSE,
VADAKKEVILA, MULLUVILA, KOLLAM.**

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS: COMPLAINANT

**STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, KOLLAM WEST POLICE
STATION, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

R. BASANT, J.

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B.A. No. 6907 OF 2007 A
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Dated this the 3rd day of December, 2007

O R D E R

Application for anticipatory bail. The petitioner apprehends arrest in a crime registered, inter alia, under sections 8 and 55 of the Kerala Abkari Act. The crime was registered as early as on 9.7.02. Investigation is limping forward. Final report has not been filed so far. The crux of the allegations is that 301 containers each containing 35 litres of spirit were imported into Kerala in a national permit lorry. The lorry was intercepted. Crime was registered. Investigation has been going on. The petitioner stands arrayed as the 4th accused. He apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is innocent. He further submits that the petitioner is so badly ill that he cannot move out of bed and appear before the court to seek regular bail. In these circumstances, the learned counsel for the petitioner submits that the petitioner may be granted anticipatory bail. Notice was given to the Public

Prosecutor. The learned Director General of Prosecutions has himself entered appearance in the case. The learned Director General of Prosecutions submits that he has gone through the case diary and, dissatisfied with the quality of the investigation, directions have been issued to constitute a new team to conduct the investigation. The investigation is now going in the proper direction. It is expected that final report will be filed expeditiously. The learned D.G.P. submits that the investigators are now satisfied that the petitioner is badly ill and is laid up. He requires treatment. It may be difficult for the petitioner to appear before the Magistrate in these circumstances. The learned D.G.P. does not oppose the prayer of anticipatory bail.

3. I am satisfied in the facts and circumstances of the case that anticipatory bail can be granted to the petitioner subject to appropriate conditions. I take note of the fact that the role of the petitioner in the crime is only that he had arranged rooms to persons who had come in the vehicle carrying spirit.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner:-

(i) If the petitioner were arrested by the investigating

officer, he shall be released on bail forthwith on his executing a bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer effecting the arrest.

(ii) The petitioner shall within six months from this day surrender before the learned Magistrate and seek regular bail.

(iii) The petitioner shall make himself available for interrogation before the investigating officer as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

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